

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 371 - Conspiracy
 18 U.S.C. § 1343 - Fraud

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: 18 USC § 371: 0-5 yrs imprisonment, 0-3 yrs supervised release, \$250,000 fine, \$100 special assessment
 18 USC § 1343: 0-30 yrs. imprisonment, 0-3 yrs supervised release, \$1,000,000 fine, \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

MEHRDAD HAKIMIAN

DISTRICT COURT NUMBER

CRO8-346 DLJ

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4:07-70654 WDB

Name and Office of Person
 Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) STEPHEN G. CORRIGAN, AUSA

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

c/o William L. Osterhoudt, Esq.
 135 Belvedere Street, San Francisco, CA 94117

Date/Time: 6/3/08 at 10:00 am

Before Judge: WAYNE D. BRAZIL

Comments:

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NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

EMMA DEGUZMAN

DISTRICT COURT NUMBER

CR08-346 DLJ

PROCEEDING

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Name of Assistant U.S. Attorney (if assigned)

STEPHEN G. CORRIGAN, AUSA

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Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

Defendant Address:

c/o Zenia Gilg, Esq.
 809 Montgomery Street, 2nd Flr, San Francisco, CA 94133

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 6/3/08 at 10:00 am

Before Judge: WAYNE D. BRAZIL

Comments:

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

ALDY ANTONIO

DISTRICT COURT NUMBER

CRO8-346 DLJ

FILED
 MAY 23 2008
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

PROCEEDING

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STEPHEN G. CORRIGAN, AUSA

☐ This report amends AO 257 previously submitted

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Bail Amount: _____

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☒ Arraignment ☐ Initial Appearance

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Defendant Address:

c/o Jerome Matthews, AFPD
 555 - 12th Str., Suite 650, Oakland, CA 94607-3627

Date/Time: 6/3/08 at 10:00 am

Before Judge: WAYNE D. BRAZIL

Comments:

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

BOBBY GUINTO

DISTRICT COURT NUMBER

CR08-346

DLJ

PROCEEDING

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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

STEPHEN G. CORRIGAN, AUSA

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Month/Day/Year

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ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

Defendant Address:

c/o Stuart D. Hanlon, Esq.
 179 11th St., 2nd Fl., San Francisco, CA 94103

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 6/3/08 at 10:00 am

Before Judge: WAYNE D. BRAZIL

Comments:

E-filing

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

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FILED
MAY 23 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MERHDAD HAKIMIAN,
a/k/a TONY HAKIMIAN,
EMMA DEGUZMAN,
ALDY ANTONIO, and
BOBBY GUINTO,

Defendants.

No.

CR08-0346 DLJ

VIOLATIONS: 18 U.S.C. § 371 -
Conspiracy to Commit Wire Fraud; 18
U.S.C. § 1343 - Wire Fraud

Oakland Venue

INFORMATION

The United States Attorney charges:

At all times material to this information and incorporated by reference in all
counts:

1. Introduction

a. Defendant Merhdad Hakimian was the owner of Glass Emporium of Marin, Inc. and its subsidiaries, Glass Pro and Glass Masters (hereafter "GEMI") headquartered in Oakland, California. GEMI was a business that replaced windows of vehicles, primarily windshields. GEMI had approximately 50 to 70 stores located throughout the United States (hereafter "field stores"). Defendant Hakimian generally worked in the Oakland, California headquarters office and at times traveled to the field offices.

1 b. Defendant Emma DeGuzman was the Vice-President of GEMI, employed in
2 the Oakland, California headquarters office since in or about 1995.

3 c. Defendant Aldy Antonio was an employee of GEMI at the headquarters in
4 Oakland, California beginning in 2001 working in accounts receivables.

5 d. Defendant Bobby Guinto was an employee of GEMI at the headquarters in
6 Oakland, California since October 2005 working in accounts receivables.

7 e. Defendants Hakimian and DeGuzman directed the manner in which the
8 managers of the field stores ran the business by providing direct input over the telephone
9 and participating in meetings with regional managers, district managers, and field store
10 managers both in Oakland, California and at the field stores.

11 f. GEMI utilized a computerized billing system that linked all stores located
12 throughout the United States to the Oakland, California headquarters. Managers of field
13 GEMI stores were directed to submit via the computer on a daily basis invoices for work
14 performed at their field stores to the corporate offices in Oakland, California. Managers
15 of field stores were also directed to submit hard copies of invoices, credit card slips,
16 dealer receipts, time cards, and voided invoices on a weekly basis to the Oakland,
17 California GEMI headquarters.

18 g. Employees working at GEMI headquarters in Oakland, California had access to
19 the invoices sent by field store managers to the Oakland headquarters via computer, and
20 further had the ability to change the invoices, including designating different types of
21 windshields and windows installed and the costs associate with the repair work
22 performed.

23 h. Employees at GEMI headquarters in Oakland, California billed insurance
24 companies directly or through third party administrators, acting on behalf of the insurance
25 companies, for processing and payment via electronic funds transfers.

26 COUNT ONE: 18 U.S.C. § 371 (Conspiracy to Commit Wire Fraud)

27 2. Beginning at a time unknown, but no later than in or about November 1999, and
28 continuing thereafter to in or about December 2006, the defendants

1 MERHDAD HAKIMIAN,
2 a/k/a TONY HAKIMIAN,
3 EMMA DEGUZMAN,
ALDY ANTONIO, and
BOBBY GUINTO,

4 did knowingly conspire to devise a material scheme and artifice to defraud and to obtain
5 money and property by means of materially false and fraudulent pretenses, representations
6 and promises, and for the purpose of executing such scheme and artifice, did transmit and
7 cause to be transmitted, by wire communications in interstate commerce, certain writings,
8 signs, signals, pictures, and sounds, in violation of Title 18, United States Code, § 1343.

9 Means and Methods of the Conspiracy

10 3. The objects of the conspiracy were accomplished in substance as follows:

11 a. The defendants directed employees working at field stores to waive the
12 customers' insurance deductible in order to encourage the customers to cover the costs of
13 replacing their vehicle glass through their insurance companies, thereby allowing GEMI
14 to overcharge the customers' insurance companies for the cost to replace the vehicles'
15 glass.

16 b. The defendants directed employees to bill insurance companies for the cost of a
17 more expensive windshield than the windshield installed, and to charge for moldings,
18 clips and installation materials and other items even when those costs were included in
19 the cost of the windshield, even though they installed the less expensive windshields.

20 c. The defendants regularly voided, and caused to be voided, the invoices received
21 from the field offices that were to be submitted to insurance companies, and the
22 defendants amended the invoices by upgrading the types of windshields installed to more
23 expensive windshields, and billing the insurance companies the higher costs for the more
24 expensive windshields.

25 Overt Acts

26 4. In furtherance of the conspiracy and to accomplish the objects of the conspiracy,
27 the defendants and others committed various acts within the Northern District of
28 California and elsewhere, including but not limited to the following:

1 a. Between November 1999 and December 2006, at the Oakland, California
2 headquarters, defendants Hakimian and DeGuzman regularly directed employees working
3 at the headquarters and employees at the field offices to overcharge insurance companies
4 by voiding invoices received through the internet from the field offices and amending the
5 invoices to falsely represent to the insurance companies the type of vehicle glass installed
6 and the cost of the glass and materials.

7 b. Between November 1999 and December 2006, defendants Hakimian and
8 DeGuzman met with other employees at the headquarters in Oakland, California and at
9 the field offices, to discuss the manner in which insurance companies would be
10 overcharged.

11 c. In or about January 2005, defendants Hakimian and DeGuzman met with
12 defendant Antonio and directed him to continue to work for GEMI, but to do so at home,
13 away from the Oakland, California headquarters. Defendant DeGuzman provided
14 defendant Antonio with defendant DeGuzman's access number which allowed defendant
15 Antonio to log in to the computer system as defendant DeGuzman while continuing to
16 void and amend insurance invoices without using his own access number, thereby
17 preventing the Immigration and Customs Enforcement Agency (ICE) (formerly the
18 Immigration and Naturalization Service (INS)) from detecting that defendant Antonio, a
19 citizen of the Philippines, was illegally employed by GEMI.

20 d. Between in or about October 2005 and continuing to in or about December
21 2006, defendant Bobby Guinto, while employed in the accounts receivable department of
22 GEMI, did regularly void and amend invoices of work performed at field offices to be
23 sent to insurance companies, thereby overcharging insurance companies for the
24 replacement of vehicle glass.

25 e. Between an unknown time in 2001 and continuing to in or about December
26 2006, defendant Aldy Antonio, while employed in the accounts receivable department of
27 GEMI, did regularly void and amend invoices of work performed at field offices to be
28

1 sent to insurance companies, thereby overcharging insurance companies for the
2 replacement of vehicle glass.

3 All in violation of Title 18, United States Code, Section 371.

4 COUNT TWO: (18 U.S.C. § 1343 - Wire Fraud)

5 5. The allegations set forth in paragraphs one through four are hereby incorporated by
6 reference as though set forth herein.

7 6. Beginning at a time unknown, but no later than on or about October 27, 2003, and
8 continuing to in or about December 2006, in the Northern District of California and
9 elsewhere, the defendants,

10 MERHDAD HAKIMIAN,
11 a/k/a TONY HAKIMIAN,
12 EMMA DEGUZMAN,
ALDY ANTONIO, and
BOBBY GUINTO,


13 did knowingly devise and intend to devise a material scheme and artifice to defraud and
14 to obtain money by means of materially false and fraudulent pretenses, representations,
15 and promises, well knowing at the time that the pretenses, representations, and promises
16 were false and fraudulent when made, and for the purpose of executing such scheme and
17 artifice, did transmit and cause to be transmitted by means of wire communications in
18 interstate commerce, invoices sent daily via e-mail to third party administrators and
19 insurance companies, in violation of Title 18, United States Code, Section 1343.

20
21 DATED: *MAY 23, 2008*

JOSEPH P. RUSSONIELLO

United States Attorney

23 
24 DOUGLAS SPRAGUE
25 Chief, Oakland Division

26
27 (Approved as to form: )
28 AUSA CORRIGAN